

7-13-01

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Docket No.: 17095CIPCON(AP)

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## DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM

## ANTICIPATED CLASSIFICATION OF THIS APPLICATION

Class: \*

Subclass: \*

PRIOR APPLICATION

Examiner: Z. Fay

Art Unit: 1614

To the Assistant Commissioner for Patents:

This is a Request for filing a continuation application under 37 CFR 1.53(b), of pending prior application Serial No. 09/440,379, filed on November 15, 1999, which is a CIP of application Serial No. 08/710,636, filed on March 17, 1998 as a CPA of application Serial No. 08/710,636 filed September 18, 1996 which was a FWC of application Serial No. 08/330,505, entitled COMBINATION OF PROSTAGLANDINS AND BRIMONIDINE OR DERIVATIVES THEREOF by the following named inventors:

201	Full Name of Inventor	Last Name: GARST	First Name: MICHAEL	Middle Name: E.	
	Residence and Citizenship	City: NEWPORT BEACH	State or Foreign Country: CA	Country Of Citizenship: USA	
	Post Office Address	Post Office Address: 2627 RAQUETA	City: NEWPORT BEACH	State or Country: CALIFORNIA	Zip Code: 92660
202	Full Name of Inventor	Last Name:	First Name:	Middle Name:	
	Residence and Citizenship	City:	State or Foreign Country:	Country Of Citizenship:	
	Post Office Address	Post Office Address:	City:	State or Country:	Zip Code:
203	Full Name of Inventor	Last Name:	First Name:	Middle Name:	
	Residence and Citizenship	City:	State or Foreign Country:	Country Of Citizenship:	
	Post Office Address	Post Office Address:	City:	State or Country:	Zip Code:

No payment of the issue fee, abandonment of, or termination of proceedings has occurred in the above-identified prior application. **OR** This continuation application is being filed before the patenting, abandonment, or termination or proceedings on Parent Application Serial No. , filed , and is therefore entitled to the benefit of the filing date of said parent application pursuant to 35 USC §120.

- (X) Enclosed is a copy of the latest inventor-signed prior application, including the oath or declaration as originally filed. I hereby verify that the attached papers are a true copy of the latest inventor-signed prior application Serial No. 09/440,379 as originally filed on November 15, 1999, and further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(X) A self-addressed return postcard is enclosed for verification of receipt.

(X) The filing fee is calculated below:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee			\$710	\$710.00
Total Claims	17 - 20 =	0 ×	\$18	\$ 00.00
Independent Claims	3 - 3 =	0 ×	\$80	\$ 00.00
If application contains any multiple dependent claims(s), then add \$270.00				\$ 00.00
<b>TOTAL FILING FEE</b>				<b>\$ 710.00</b>

(X) The Commissioner is hereby authorized to charge any fees that may be incurred as a result of this communication, or credit any overpayment to Deposit Account No. 01-0885. A duplicate copy of this sheet is enclosed for that purpose.

() A check in the amount of \$ \*\*\* is enclosed.

(X) Cancel in this application original Claims 7-13 of the prior application before calculating the filing fee.

(X) Amend the specification by inserting before the first line the sentence: "This application is a continuation of prior application Serial No. 09/440,379, filed on November 15, 1999, which is a CIP of application Serial No. 08/710,636, filed on March 17, 1998 as a CPA of application Serial No. 08/710,636 filed September 18, 1996 which was a FWC of application Serial No. 08/330,505

() Priority of application Serial No. , filed on , is claimed under 35 USC 119.

() The certified copy has been filed in prior application Serial No. , filed .

(X) The prior application is assigned of record to Allergan Sales, Inc.

() New informal drawings are enclosed in \_\_\_\_\_ sheets.

(X) A Preliminary Amendment (in 6 pages) is enclosed.

() A Statement Pursuant to 37 CFR 1.821(f) and a labeled diskette containing the computer readable sequence listing has been filed in prior application Serial No. , filed .

(X) The Power of Attorney in the prior application is to Carlos A. Fisher,

Registration Number 36,510.

- (X) The Power of Attorney appears in the original papers in the prior application.
- () Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- () A copy of the Request for Extension of Time filed in the prior application is enclosed.

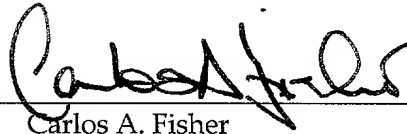
Address all future communications to:

ALLERGAN, INC.  
Carlos A. Fisher-T2-7H  
2525 Dupont Drive  
Irvine, CA 92612  
Tel: 714-246-4920  
Fax: 714-246-4249

The undersigned states that the enclosed application papers comprise a true copy of the prior application as filed.

Date:

7/1/01



Carlos A. Fisher  
Registration No. 36,510  
Attorney of Record

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Garst )

Group Art Unit: Not yet assigned

Serial No.: Not yet assigned )

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as Express Mail bearing Label No.  
EL385557957US in an envelope addressed to: Assistant  
Commissioner for Patents, Washington, D.C. 20231 on:

Filed: Herewith )

For: COMBINATIONS OF  
PROSTAGLANDINS AND  
BRIMONIDINE OR  
DERIVATIVES THEREOF )

Date of Deposit: 7/12/01

Printed Name of Person making Deposit: Carlos Fisher

Signature: Carlos Fisher

Date of Signature: 7/14/01

Examiner: Not yet assigned )

CERTIFICATE OF EXPRESS MAILING

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

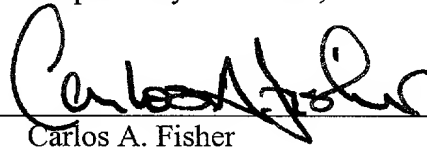
Dear Sir:

Enclosed are a patent application for filing pursuant to 37 CFR 1.53(b). Specifically,  
accompanying this communication please find:

- (a) Specification in 17 pages, 10 pages claims, 1 page abstract;
- (b) Transmittal sheet in three (3) pages (in duplicate);
- (c) Copy of Declaration and Power of Attorney in two (2) pages;
- (d) PTO Form 1449 and Information Disclosure Statement;
- (e) Preliminary Amendment and Marked Up Amended Claims in six (6) pages;

Respectfully submitted,

Date: 7/14/01

  
Carlos A. Fisher

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